

# **Exhibit D**

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IN THE UNITED STATES DISTRICT COURT  
  
FOR THE MIDDLE DISTRICT OF ALABAMA  
  
NORTHERN DIVISION  
  
ALAN EUGENE MILLER,  
  
Plaintiff,  
  
Vs. CASE NO.: 2:22cv506-RAH  
  
JOHN Q. HAMM, et al.,  
  
Defendants.  
  
\* \* \* \* \*  
  
MOTION HEARING  
  
\* \* \* \* \*  
  
BEFORE THE HONORABLE R. AUSTIN HUFFAKER, JR., UNITED STATES  
DISTRICT JUDGE, at Montgomery, Alabama, on Wednesday,  
November 9, 2022, commencing at 2:00 p.m.  
  
APPEARANCES  
  
FOR THE PLAINTIFF: Ms. Mara Klebaner  
Ms. Kelly J. Huggins  
Attorneys at Law  
SIDLEY AUSTIN LLP  
One South Dearborn Street  
Chicago, Illinois 60603  
  
FOR THE DEFENDANTS: Mr. James R. Houts  
Ms. Audrey Kathleen Jones Jordan  
Attorneys at Law  
Office of the Attorney General  
501 Washington Avenue  
Montgomery, Alabama 36130  
  
\* \* \* \* \*  
  
Proceedings reported stenographically;  
transcript produced by computer  
  
\* \* \* \* \*

1 we -- I mean, if the Court is telling us that we're going to put  
2 these physical security -- correctional officers out there, even  
3 though there is no factual dispute that they took him into the  
4 chamber, they put him on the gurney, he didn't resist, they were  
5 released to secondary posts. I mean, that's my concern for the  
6 Rule 26. I read my child a book, If You Give a Mouse a Cookie.  
7 And I think in this litigation we have a very real desire to  
8 maintain the secrecy of who these people are, and it burdens us  
9 to have to go beyond that. And there's no need for that burden  
10 if we're agreeing with our friends that everything you say is  
11 true in that regard. He didn't resist. He went to the gurney.  
12 Everybody went -- and it would help if the Court would sort of  
13 help guide us along --

14 THE COURT: I'm going to give you some guidance. Okay?  
15 And I'm inclined to require you to give them some names, and in  
16 particular those who were on the IV team. I think that's fair.  
17 I think that's legitimate. I think they have the right to  
18 determine whether the individuals who are attempting to access  
19 the veins are qualified to do it, and are there problems with  
20 those particular individuals doing that.

21 Again, I kind of come back to -- and it's an extreme  
22 circumstance -- that somebody who may have had a medical license  
23 in Texas loses that license, they can't get a job, and they end  
24 up in Alabama, and they're willing to do this job, and they're  
25 really the last person in the world that should be attempting to

1 tap a vein on somebody. And it doesn't matter whether they're  
2 an inmate or you or me that goes to the Pri-Med up the road. I  
3 think they have a right to at least look into that some, subject  
4 to a confidentiality order.

5 And to the extent there will be a confidentiality  
6 order -- and there will -- right now I don't see a need for  
7 Mr. Miller to know who those individuals are because, again, I  
8 don't know what I could do to hold him in contempt of Court. He  
9 doesn't have a bunch of money in his inmate account. I can't  
10 put him in prison because he's already there. So I don't know  
11 what else I could do.

12 MS. KLEBANER: Fair enough, Your Honor.

13 I would just bring us back to the point I mentioned  
14 earlier, that sort of the ultimate sanction is available in this  
15 case. Mr. Miller at this point -- as you said, the idea of more  
16 prison time, there's no more prison time he could have. There's  
17 no more money he could give. This litigation is what he has,  
18 and that is what you have control over. So I certainly think we  
19 can all agree that you have sort of the power to impose the  
20 ultimate sanction in this case.

21 I also do think it's quite relevant that the names of  
22 these guards are very well known at the prison and amongst  
23 circles of people who sort of work in this area: Lawyers,  
24 policymakers, lawmakers, advocates. The names of the guards are  
25 not in practice kept confidential. The guards themselves

1 MR. HOUTS: It does. May we send it to the same email  
2 address we send --

3 THE COURT: You may. The proposed order email address?  
4 Yes.

5 Safe travels back to Chicago. Good to see you-all. We  
6 are adjourned.

7 (Proceedings concluded at 3:25 p.m.)

8 \* \* \* \* \*

9 COURT REPORTER'S CERTIFICATE

10 I certify that the foregoing is a correct transcript  
11 from the record of the proceedings in the above-entitled matter.

12 This 15th day of November, 2022

13

14 /s/ Patricia G. Starkie  
15 Registered Diplomate Reporter  
16 Certified Realtime Reporter  
17 Official Court Reporter

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